



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/214,840	01/13/1999	KLAUS-DIETER HAMMER	051009/0114	8132

7590 04/07/2003

FOLEY & LARDNER
3000 K STREET NW SUITE 500
PO BOX 25696
WASHINGTON, DC 200078696

EXAMINER

HON, SOW FUN

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 04/07/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Applicant No.	Applicant(s)
	09/214,840	HAMMER ET AL.
	Examiner	Art Unit
	Sow-Fun Hon	1772

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 19 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) The period for reply expires 4 months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: ____.

3. Applicant's reply has overcome the following rejection(s): _____.
4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: 2,4,5 and 14-20.

Claim(s) rejected: 1,3,6,9-11,13 and 21-23.

Claim(s) withdrawn from consideration: _____.

8. The proposed drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.
9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. Other: Attachment to advisory action

sh

Attachment to Advisory Action

1. The proposed amendment will not be entered because they present an additional claim without canceling a corresponding number of finally rejected claims.
2. Applicant's arguments with respect to the valid use of Hammer et al. are addressed below.
3. Applicant argues that the treatment with cellulase by Hammer et al. is nothing more than a test method used to measure the efficiency/effectiveness of the chitosan impregnation of the casing, that the cellulases are not deactivated and the casing is severely damaged or even destroyed.

Applicant is respectfully reminded that the "test method" is a process step which reads on the first process step recited in claim 1. Applicant is also respectfully reminded that Hammer et al. teaches that the casing is made to "impede or possibly prevent the penetration of cellulytic enzymes such as cellulase", yet "easy peeling of the casing after (mold) maturation is still ensured" ('179, column 1, lines 40-55). This implies that there is at least one cellulase or possibly none which penetrated the casing, but definitely more than one cellulase on the outer surface of the casing. The time the cellulases on the outer surface are allowed to act on the casing depends on when the encased sausage is cooked, whereupon the cellulases are permanently deactivated.

Applicant is respectfully reminded that claims 2, 4, 5, 14-20 are presently objected to but will be allowed if rewritten in the independent form to contain the limitations of the independent claim. The process steps in said claims are further defined in order to distinguish over the prior art. In addition, in claim 20: line 6 should be rewritten as "wherein said allowing at least one

cellulase to act on the surface of the tubular foodstuff casings based on cellulose hydrate comprises allowing said cellulase to act on the".

4. Applicant's main arguments against Hammer et al. appear to focus on the time-limited surface roughening by the cellulase prior to the permanent deactivation of the cellulase on the surface of the casing, which would give a different surface roughened profile than that of the natural process of cellulase acting during the manufacture and storage of the sausage casings before cooking, or the deliberate damaging of the casings for recycling. Applicant is advised to define the time limit such as the one described in claim 4, in order to distinguish the finished product casing over the presently existing prior art.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (703)308-3265. The examiner can normally be reached Monday to Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703)308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

811
Sow-Fun Hon
04/02/03


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1192

4/3/03